

## REMARKS

Applicant is submitting herewith a Request for Continued Examination (RCE), pursuant to 37 C.F.R. §1.114, with approval to charge our deposit account (account number 50-2428) the requisite small entity fee of \$395.00 provided for under 37 C.F.R. §1.17(e), along with a Petition for Extension of Time under 37 C.F.R. §1.136(a) with approval to charge our deposit account the requisite small entity fee of \$60.00 for a one month extension. Accordingly, Applicant respectfully submits that the "final" status of the pending Office Action has now been lifted, enabling entry and consideration of the present Response to Final Office Action.

The Application has been amended to distinguish the claimed invention over the cited prior art and to place the Application, as a whole, into a *prima facie* condition for allowance at this time. Substantial care has been taken to avoid the introduction of any new subject matter into the Application as a result of the foregoing amendments.

Applicant acknowledges with appreciation that claims 13-19 and 23 have been allowed, with the Examiner acknowledging that claims 6, 21 and 22 would be allowable, if rewritten in accordance with the examiner's recommendations.

Claims 1, 9, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Downey*, U.S. Pat. No. 2,595,776. Claims 1, 5, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Piluso*, U.S. Pat. No. 2,346,782. Claims 1, 4, and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Ries*, U.S. Pat. No. 2,214,972. Claims 2, 3, and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ries* in view of *Kleinpell, II et al.*, U.S. Pat. No. 5,836,041. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ries*. Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ries* in view of *Beck et al.*, U.S. Pat. No. 2,816,313. All of the foregoing Examiner's bases for rejection are respectfully traversed.

Applicant has amended independent Claim 1 to clarify that the scrubbing element is substantially flat upon formation by folding, towards "exposing a substantially continuous outer surface having a substantially abrasive texture" with "said first end of the handle extending to a position immediately adjacent to said fold line, to lend structural rigidity to said scrubbing element." Support for these amendments can be found collectively in paragraph 13 and Figures 4 and 5 of the specification.

None of the cited prior art references disclose the combination of these elements. In fact, both *Downey* and *Piluso* teach against any structure that uses an abrasive texture. *Downey* discloses a neck duster for use in a barbershop or beauty salon. Using an material with an abrasive texture would cause actual harm to the customers of those establishments. *Downey* also fails to disclose a structure in which the handle is immediate adjacent to a fold line. *Piluso* discloses a device for applying polish to leather shoes. Once again, using a material with a substantially abrasive texture on leather shoes would damage the shoes. Moreover, *Downey* fails to disclose a substantially continuous outer surface, but rather a segmented or slotted (non-continuous) outer surface.

The cited *Ries* reference teaches against using a substantially flat or substantially continuous exposed outer surface for the scrubbing element. Instead, *Ries* discloses using a non-continuous, irregular scrubbing surface in the form of a bulbous rosette-shaped rubber sponge as a scrubbing element.

Claims 2-12 depend on Claim 1, thus, further distinguishing all of Claim 1's patentable elements. As such, claims 2-12 are also in condition for allowance.

The Examiner acknowledged that Claim 6 would be allowable if rewritten in independent form. Claim 6 has accordingly been rewritten in independent form, incorporating all of the elements of Claims 1, 4, and the previous Claim 6, with the added correction of the respective fold lines responsible for juxtaposing the lower surfaces of the sheet.

Claims 21 and 22 stand rejected under 35 U.S.C. § 112 on the basis that "said at least one attachment member" lacks antecedent basis. Claim 21 has

been amended to replace "said at least one attachment member" with "further comprising at least one attachment member," thus, adding, as an additional element, the element that had previously lacked an antecedent basis. Moreover, since Claim 22 depends on Claim 21, the lack of an antecedent basis for Claim 22 has also been corrected.

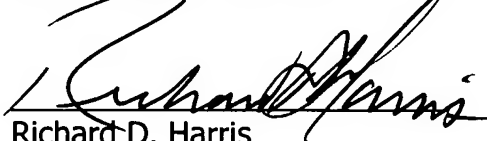
Claims 1, 10, 12, 13, 16, and 22 were amended to change "element" back to "implement." "[I]mplement" was used in the first submission of claims with the original patent application. There was never an official amendment to change "implement" to "element;" however, through an inadvertent typographical error, "element" replaced "implement" in subsequent listings of claims in our previous responses. This amendment corrects that error.

Applicant submits that the application is now in condition for allowance and respectfully requests allowance of all of the remaining claims towards issue.

Should anything further be required, a telephone call to the undersigned at (312) 456-8400 is respectfully requested.

Respectfully submitted,

GREENBERG TRAURIG LLP

A handwritten signature in black ink, appearing to read "Richard D. Harris", is written over a horizontal line.

Richard D. Harris  
One of Attorneys for Applicant

Dated: January 11, 2007



### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail on the date set forth below, pursuant to 37 C.F.R. §1.8, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 11, 2007

Christopher K. Marlow